REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-38 are pending in the present application and Claims 39-74 are withdrawn. Claims 1, 2, 20, and 21 were amended by the present response. Support for amendments to the claims can be found in the disclosure as originally filed, for example, on pages 32-34 and Figures 9 and 11. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-15, 17-34, and 36-38 were rejected under 35 U.S.C. §103(a) as unpatentable over Swenson et al. (U.S. Pat. No. 7,304,996, hereinafter "Swenson") and Sjoblom (U.S. Pat. Pub. No. 2002/0009053), in view of Furukawa et al. (U.S. Pat. Pub. No. 2007/0297393, hereinafter "Furukawa"); and Claims 16 and 35 were rejected under 35 U.S.C. §103(a) as unpatentable over Swenson, Sjoblom, and Furukawa, in view of Ramakrishnan (U.S. Pat. Pub. No. 2003/0018689).

Addressing now the rejection of Claims 1-15, 17-34 and 36-38 under 35 U.S.C. §103(a) as unpatentable over Swenson, Sjoblom, and Furukawa, Applicants respectfully traverse this rejection.

Claim 1 recites, in part,

> generating, using a sending side apparatus, two packets, the packets being copies of a send packet, and including a first packet and a second packet;
> providing, using the sending side apparatus, a sequence number identifying the same sending sequence to each of the packets, the sequence number including a first sequence number and a second sequence number, the first packet having the first sequence number, and the second packet having the second sequence number;
> providing, using the sending side apparatus, a first identifier corresponding to a first send/receive pair and a second identifier corresponding to a second send/receive pair, to a respective one of the packets in order to send the packets over two routes, in the sending side apparatus, which are different from each other; and

receiving, using a receiving side apparatus, the packets via two receiving units;

recognizing the first and second identifiers, each of the first and second identifiers corresponding to one of the first and second send/receive pairs;

identifying packets having the same information and the sequence based on the sequence number when the first and second identifiers are the same;

selecting the first packet of one of the packets of the same sequence so as to send the selected one of the packets downstream, in response to the first sequence number of the first packet being equal to a reference counter number;

selecting the second packet of one of the packets of the same sequence so as to send the selected one of the packets downstream, in response to the second sequence number of the second packet being equal to the reference counter number when the first sequence number of the first packet is greater than the reference counter number; and

discarding a remaining one of the packets which is not selected by the selecting,

wherein, when only one of the packets of the same sequence is received by the receiving, only the received one of the packets is sent downstream.

Claim 2 recites similar features with regard to the two routes in the sending side apparatus and recites similar features with regard to the selecting and discarding steps.

Claims 20 and 21 recite means plus function apparatus claims which correspond to Claims 1 and 2, respectively.

Swenson describes a system for assembling a data packet.[1] Additionally, Sjoblom describes a system which provides a sequence number and duplicates packets.[2] Furthermore, Furukawa describes "a multicast-type IP network for a transfer of from one source of delivery to a plurality of destinations."[3]

Applicants respectfully submit that Swenson, Sjoblom, and Furukawa do not describe or suggest at least *selecting the first packet* of one of the packets of the same sequence so as to send the selected one of the packets downstream, *in response to* the first sequence number of the first packet being equal to a reference counter number, and *selecting the second packet*

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[1] Swenson: Abstract
[2] Sjoblom: paragraphs [0007]-[0010]
[3] Furukawa: paragraphs [0030]

of one of the packets of the same sequence so as to send the selected one of the packets downstream, *in response to* the second sequence number of the second packet being equal to the reference counter number when the first sequence number of the first packet is greater than the reference counter number, as is recited in Claim 1.

It is respectfully submitted that none of the aforementioned references discusses selecting of a packet based on a comparison between a sequence number and a reference counter number. For example, at best, Sjoblom discusses comparing the sequence number of a received packet with the sequence numbers of delivered packets.[4] However, this comparison in Sjoblom does not correspond to selecting the first packet in response to *the first sequence number* of the first packet *being equal to a reference counter number*, and selecting the second packet in response to the *second sequence number* of the second packet *being equal to the reference counter number when the first sequence number of the first packet is greater than the reference counter number*, as is required in amended Claim 1.

Thus, Applicants respectfully submit that Claim 1, and similarly Claims 2, 20, and 21, and claims depending respectfully therefrom, patentably distinguish over Swenson, Sjoblom, and Furukawa considered individually or in combination.

Moreover, the further cited Ramakrishnan reference does not cure the above noted deficiencies of Swenson, Sjoblom, and Furukawa.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

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[4] Sjoblom: paragraph [0002]

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the Applicants' representative at the below noted telephone number.
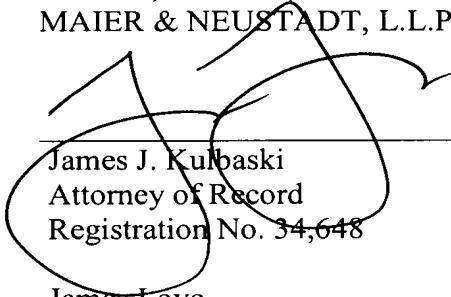
Respectfully submitted,

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